

**Introduced by Senators Hollingsworth, Battin, Denham, and  
Knight**

February 21, 2003

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An act to add Section 1054.10 to the Penal Code, relating to discovery, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 877, as introduced, Hollingsworth. Criminal procedure: discovery.

Existing law, added by initiative statute, requires the prosecuting attorney and the attorney for the defendant to disclose to each other specified materials and information in his or her possession, or known to be in the possession of investigators, including, among other things, relevant real evidence seized or obtained as a part of the investigation of the offenses charged. This initiative measure also provides that a court may make any order necessary to enforce its informal discovery provisions. The initiative measure provides that any amendment of its statutory provisions by the Legislature requires a  $\frac{2}{3}$  vote of each house.

This bill would permit the court, at any time, for good cause, to deny, restrict, or defer discovery or inspection of evidence, or to grant other appropriate relief. The bill would further state that there is no obligation to comply with a discovery request for reproduction of contraband, as long as the prosecution makes the evidence reasonably available to the defense. The bill would thereby amend the initiative measure, requiring a  $\frac{2}{3}$  vote of each house.

This bill would declare that it is to take effect immediately as an urgency measure.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1054.10 is added to the Penal Code, to  
2 read:

3 1054.10. (a) At any time, the court may, for good cause,  
4 deny, restrict, or defer discovery or inspection or evidence, or grant  
5 other appropriate relief.

6 (b) There is no obligation to comply with a discovery request  
7 for reproductions of contraband as long as the prosecution makes  
8 the evidence reasonably available to the defense.

9 SEC. 2. This act is an urgency statute necessary for the  
10 immediate preservation of the public peace, health, or safety  
11 within the meaning of Article IV of the Constitution and shall go  
12 into immediate effect. The facts constituting the necessity are:

13 In order that discovery in criminal cases proceed without  
14 continued injustice, it is necessary that this bill go into effect  
15 immediately.

